

# Overview of the William Van Regenmorter Crime Victim's Rights Act

House Judiciary Committee  
April 17, 2018





## Victims' Rights: A Recent Movement

- Domestic Violence Shelters - Late 1960's and 1970's
- Sexual Assault Survivors - Late 1960's and 1970's
- NOVA - 1975
- Parents of Murdered Children- 1978
- MADD - 1980





## Key Dates:

Crime  
Victims  
Rights  
Act

1985

1988

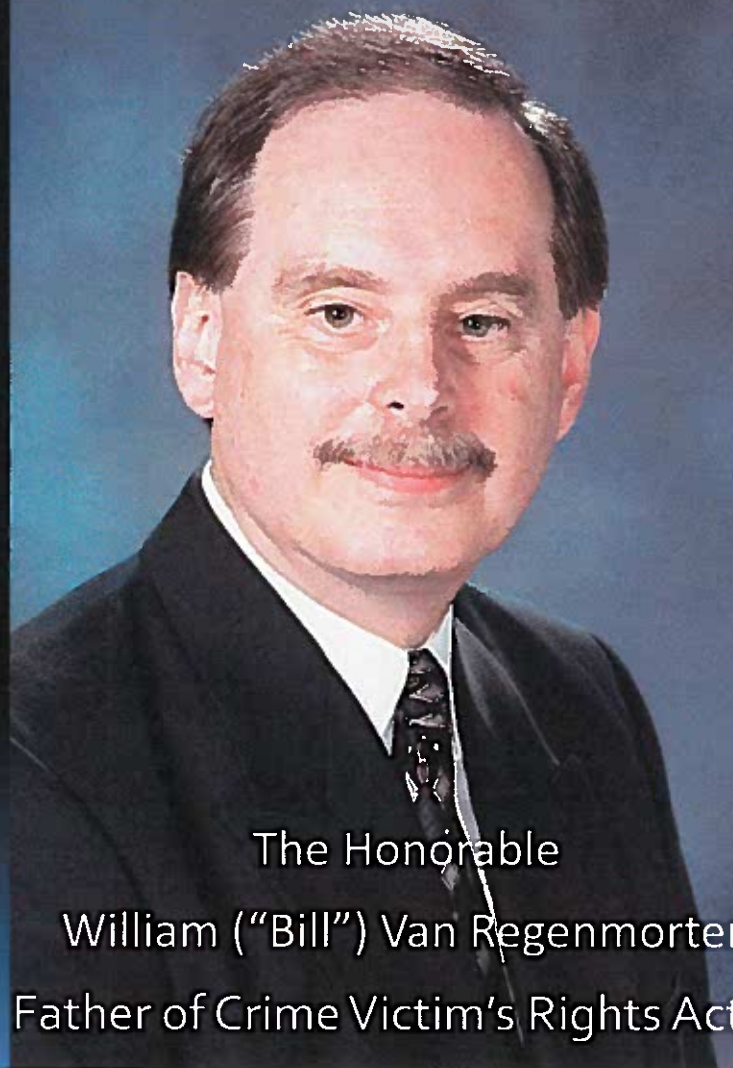
Established  
in  
Michigan's  
constitution

Federal  
Mandatory  
Victim  
Restitution  
Act

1996

2004

Federal  
Crime  
Victims  
Rights  
Act



The Honorable  
William ("Bill") Van Regenmorter  
Father of Crime Victim's Rights Acts



January 29, 1939 – June 18, 2012

"Speak up for those who cannot speak for  
themselves, for the rights of all who are  
destitute."

- Proverbs 31:8



## CVRA Overarching Fundamental Principles

- **Use the existing criminal justice system**
- **“Fairness”**
- **Victim privacy and dignity – victims no longer viewed for only evidentiary purposes**
- **Victim protection – especially from intimidation**
- **Victim choice – at all levels**
- **Victims are participants, but not parties**



# Fundamental Principles - Specifically

- **Victims deserve:**
  - **Information** - knowledge of the process, their rights, notification, and outcomes
  - **Victim Timing/Comfort:** To explain the process, in writing, so they can process the system and their rights at their own speed.
  - **Presence** – at any proceeding the accused can attend
  - **To be heard/input** - LE, pre-trial, PSIR, Victim Impact Statement, parole, petition for expungement
  - **Consideration** – their plight, views, and harms suffered
  - **Restitution** – to be made financially whole



## Article 1, section 24: Adopted in 1988

- (1) Crime victims, as defined by law, shall have the following rights, as defined by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused

The right to be reasonably protected from the accused throughout the criminal justice process



## Article I, Section 24 (continued)

The right to notification of court proceedings

The right to attend trial and all other proceedings the accused has the right to attend

The right to confer with the prosecution

The right to make a statement to the court at sentencing

The right to restitution

The right to information about the conviction, sentence, imprisonment, and release of the accused



## To Implement Constitutional Rights

### **CVRA expanded (1988)**

- Article 2: victim rights when “felonies” are committed by juveniles
- Article 3: victim rights for misdemeanor offenses

### **Crime Victim Rights Fund (1989)**

- Created a fund for the CVR assessment
- Specified spending: first implement the CVRA



## WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT

Act 87 of 1985

AN ACT to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies.

**History:** 1985, Act 87, Eff. Oct. 9, 1985;—Am. 1988, Act 22, Eff. June 1, 1988.

*The People of the State of Michigan enact:*

### ARTICLE 1

#### **780.751 Short title.**

Sec. 1. This act shall be known and may be cited as the "William Van Regenmorter crime victim's rights act".

**History:** 1985, Act 87, Eff. Oct. 9, 1985;—Am. 2005, Act 184, Eff. Jan. 1, 2006.

#### **780.752 Definitions; designation of person to act in place of victim; privileges and rights.**

Sec. 2. (1) Except as otherwise defined in this article, as used in this article:

(a) "County juvenile agency" means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.

(b) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.

(c) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352.

(d) "Defendant" means a person charged with, convicted of, or found not guilty by reason of insanity of committing a crime against a victim.

(e) "Facility", as used in sections 6, 13a, 19a, and 20 only, and not with reference to a juvenile facility, means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(f) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.

(g) "Juvenile" means a person within the jurisdiction of the circuit court under section 606 of the revised indeterminate act of 1961, 1961 PA 236, MCL 600.606.



# CVRA Structure

Meant to be a one stop law for victims & practitioners

- Completely in one code of law
- Duplicated in other sections of law if needed
- Plain English
- Criminal infraction citations are described
- Eventually 3 parallel articles to address each trial court
- Written in rough chronological order of the CJ process
- Largely modeled after the recommendations of the 1982 President's Task Force on Victims of Crime





# Steps in Crime Victims Rights

## Law Enforcement

- All agencies have a constitutional duty to provide notice
- LE information to be given up front to a victim
- LE return of personal property (unless it's evidence or contraband)
- ID theft victims can file a complaint in home community
- Notice of pre-trial release





## Steps in Crime Victims Rights

### **Prosecuting Attorney**

- Initial notice and information
- Safe waiting area (court)
- Motion for speedy trial for certain victims
- Confer with prosecution pre-trial, pre jury selection







# Steps in Crime Victims Rights

## **Courts**

- Victim has the right to be present
- No employer discipline for being subpoenaed

## **Prosecuting Attorney**

- Notice of adjudication, right to a Victim Impact Statement
- Provide pertinent notices if defendant sentenced to probation

## **MDOC/District Court**

- Right to submit a written or oral VIS for the PSI report



The U.S. Supreme Court permitted  
the use of victim impact statements  
in criminal trials in 1991.



# Steps in Crime Victims Rights: Post- Sentencing

## MDOC

- Collect restitution from prisoner accounts

## Restitution

- Expanded definition of victim
- Details of what can be repaid
- Conditions for payment schedule of restitution
- Hearings to determine amount of restitution

## Courts

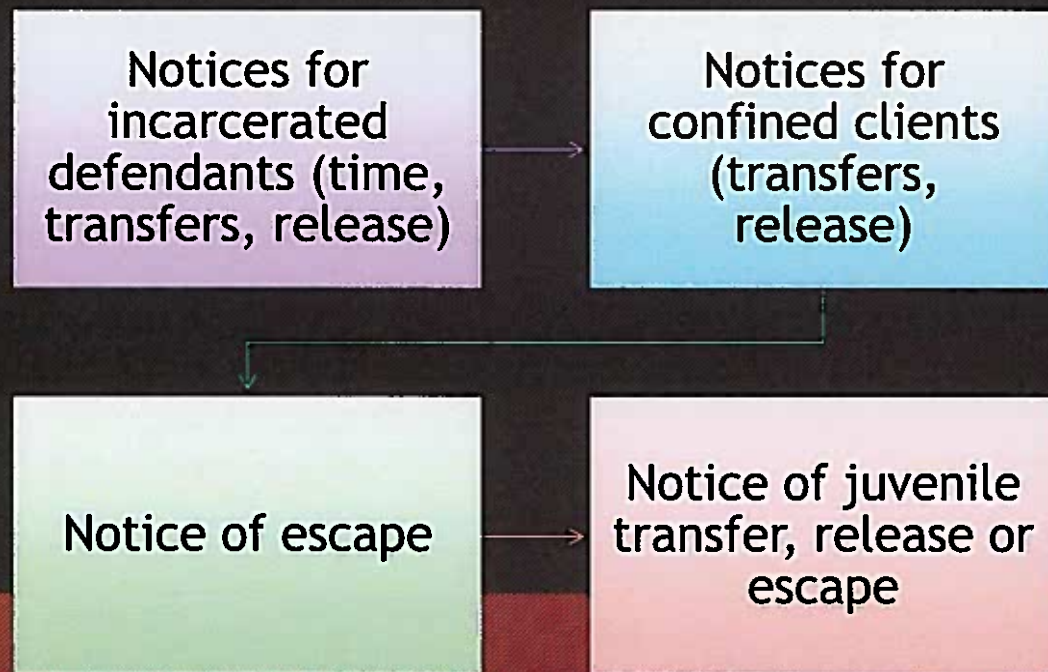
- Notice if discharged early from probation and victim safety was a condition of probation

## Prosecuting Attorney

- Notice of any appeal, and the outcome



# Steps in Crime Victims Rights: Post Sentencing





# Steps Following Sentencing

## **Prosecuting Attorney**

- Notice of (adult process) juvenile review hearings
- Notice of the final disposition of a case
- Notice of any petition to have the conviction appealed

## **MDOC**

- Notify of upcoming parole, reprieve, commutation, and pardon hearings.
- Allow victim input to parole board
- Notify of the outcome of any hearing



# Crime Victims Compensation

- For Direct Victim Repayment:
  - Medical Expenses not covered by insurance, worker's comp, etc
  - Funeral Reimbursement
  - Counseling Costs
  - Crime Scene Cleanup of Residence
  - Out of Pocket Wages





## Michigan Department of Health & Human Services

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MDHHS SAFETY & INJURY PREVENTION PUBLIC SAFETY & ENVIRONMENTAL HEALTH  
CRIME VICTIM SERVICES

### Crime Victim Services

The Michigan Crime Victim Services Commission (CVSC) is a state agency within the Michigan Department of Health and Human Services. CVSC is in charge of funding and services for victims of a physical crime.

CVSC has four programs that serve and support crime victims including: Compensation, Sexual Assault Forensic Exam (S.A.F.E), Victim Rights and Crime Victim Assistance (VOCA). No state or federal tax dollars are used to support these programs.

If you have been physically injured in a violent crime or if you are an organization that helps crime victims, select one of the buttons below to learn how the Crime Victim Services Commission can help you, or call 517-373-7373. Victims only may call 877-251-7373.

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